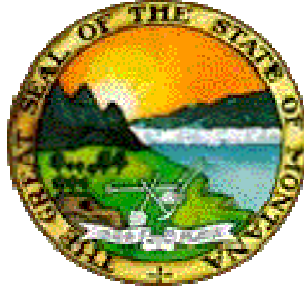


# MONTANA SECRETARY OF STATE'S OFFICE HANDBOOK OF POLICIES AND PROCEDURES



## OFFICE OVERVIEW

The Secretary of State is one of six executive-branch officers originally designated by the Montana Constitution of 1889.

The Secretary of State is charged with diverse responsibilities related to elections, business and governmental activities. Responsibilities include serving on the state Board of Land Commissioners and the Board of Examiners.

In 1992, Montana passed a constitutional initiative establishing limits on how long legislators and elected officers can hold office. As a result, an individual elected to the position of Secretary of State is limited to serving two 4-year terms in a 16-year period.

## MISSION

The Secretary of State's Office is committed to better positioning Montana for the future by embracing innovative ideas and technology to foster greater public confidence and participation in the electoral process, promote business activities by providing prompt and accurate service, act as the steward of state government records by educating agencies on the management and preservation of public records, enhance the security of business transactions through the notary process, facilitate public participation in governmental rulemaking and provide easier access to information through greater use of technology.

SECRETARY OF STATE

STATE OF MONTANA

BRAD JOHNSON  
SECRETARY OF STATE



MONTANA STATE CAPITOL  
PO Box 202801  
HELENA, MT 59620-2801

***WELCOME NEW EMPLOYEE!***

On behalf of your co-workers, I welcome you to the Office of the Secretary of State and wish you every success here.

The Secretary of State's Office is committed to better positioning Montana for the future by embracing innovative ideas and technology to foster greater public confidence and participation in the electoral process, promote business activities by providing prompt and accurate service, act as the steward of state government records by educating agencies on the management and preservation of public records, enhance the security of business transactions through the notary process, facilitate public participation in governmental rulemaking and provide easier access to information through greater use of technology. I believe that each employee contributes directly to our office growth and success, and I hope you will take pride in being a member of our team.

This manual was developed to help you understand the expectations of our employees and the policies adopted by this office. Employees are expected to familiarize themselves with the contents of this policy manual as soon as possible.

I hope that your experience here will be challenging, enjoyable and rewarding. Again, welcome to the Secretary of State's Office!

Sincerely,

A handwritten signature in blue ink that reads "Brad Johnson".

BRAD JOHNSON  
Secretary of State

# MONTANA SECRETARY OF STATE'S OFFICE POLICIES MANUAL

<b>Policy No.</b>	<b>Title</b>	<b>Page No.</b>
<b>100</b>	<b>LEAVES AND HOLIDAYS</b>	
101.0	Annual Leave	5
102.0	Holidays and Holiday Pay	6
103.0	Jury Duty and Witness Leave	7
104.0	Leave of Absence Without Pay	8
105.0	Maternity Leave	9
106.0	Military Leave	10
107.0	Public Office Leave	11
108.0	Sick Leave	12
109.0	Sick Leave Fund and Direct Grants	13
110.0	Parental Leave	14
111.0	Family and Medical Leave	15
<b>200</b>	<b>GRIEVANCE PROCEDURE</b>	
201.0	Grievance Policy	16
202.0	EEO and ADA Complaint Resolution Procedure	17
<b>300</b>	<b>HOURS AND COMPENSATION</b>	
301.0	Compensatory Time for Exempt Employees	20
302.0	Overtime & Compensatory Time for Non-exempt Employees	23
303.0	Work Schedules/Alternative	25
304.0	Work Schedules/Flex Time	29
305.0	Work Schedules/Telework	32
306.0	Reporting of Absences	33
<b>400</b>	<b>PERSONNEL</b>	
401.0	Discipline and Termination of Classified Employees	34
402.0	Equal Employment Opportunity	35
403.0	Sexual Harassment	36
404.0	Reduction in Work Force	38
405.0	Education and Training	39
406.0	Probationary Period for Classified Employees	42
<b>500</b>	<b>FISCAL</b>	
501.0	Employee Records	43
502.0	Time Keeping and Reporting	44
503.0	Travel	45
504.0	Vehicle Use	46
505.0	Purchasing (not yet developed)	
<b>600</b>	<b>RECORDS MANAGEMENT INFORMATION</b>	
601.0	Records and Information Management (RIM)	47

**MONTANA SECRETARY OF STATE'S OFFICE  
POLICIES MANUAL**

<b>Policy No.</b>	<b>Title</b>	<b>Page No.</b>
<b>700</b>	<b>MISCELLANEOUS</b>	
701.0	Telephone Use	51
702.0	Computer Use	52
703.0	Safety Policy Statement	54
703.1	Safety – Organization and Responsibilities	55
703.2	Safety – Employee Training	59
703.3	Safety – Emergency Action Plan (not yet developed)	
703.4	Safety – Early Return to Work Policy	61
704.0	Theft Code of Conduct	62
705.0	Gifts	63
706.0	Political Activities	65
707.0	Security Procedures	67

**MONTANA SECRETARY OF STATE'S OFFICE  
POLICY MANUAL**

**Policy:** Annual Leave  
**Policy Number:** 101.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

**Policy**

Employees shall receive annual leave in accordance with [2-18-611, et seq., MCA](#) and [Department of Administration Personnel Policies and Procedures, policy number 3-0305](#). Prior to taking annual leave, employees must receive approval in advance from their supervisor. Advance written approval for use of annual leave may be required at the discretion of the supervisor.

**MONTANA SECRETARY OF STATE'S OFFICE  
POLICY MANUAL**

**Policy:** Holidays and Holiday Pay  
**Policy Number:** 102.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

**Policy**

Employees shall receive holidays and holiday pay in accordance with [1-1-216, MCA](#) and [Department of Administration Personnel Policies and Procedures, policy number 3-0325](#)

**MONTANA SECRETARY OF STATE'S OFFICE  
POLICY MANUAL**

**Policy:** Jury Duty and Witness Leave  
**Policy Number:** 103.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

**Policy**

Employees shall receive jury duty and witness leave in accordance with [2-18-619, MCA](#) and [Department of Administration Personnel Policies and Procedures, policy number 3-0322](#).

**MONTANA SECRETARY OF STATE'S OFFICE  
POLICY MANUAL**

**Policy:** Leave of Absence Without Pay  
**Policy Number:** 104.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

**Policy**

Classified employees may receive a leave of absence without pay in accordance with [Department of Administration Personnel Policies and Procedures, policy number 3-0330](#).

## MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL

**Policy:** Maternity Leave  
**Policy Number:** 105.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### **Policy**

- A. Employees shall not be discriminated against or excluded from employment on the basis of pregnancy. Pregnancy shall be treated the same as any temporary disability for all personnel actions (e.g. length and extension of leave, retention of seniority, reinstatement, or fringe benefits).
- B. In accordance with state statute ([49-2-310](#) and [311](#), MCA) it is unlawful for an employer to:
  - 1. terminate a woman's employment because of pregnancy;
  - 2. refuse to grant an employee a reasonable leave of absence for pregnancy;
  - 3. deny an employee who is disabled as a result of pregnancy any compensation to which she is entitled through accumulation of leave or disability benefits. The supervisor may require a medical certificate verifying the employee is unable to perform her employment duties for the period requesting disability;
  - 4. require an employee to take a mandatory maternity leave for an unreasonable length of time.
- C. Maternity leave will be counted toward an employee's FMLA leave entitlement.
- D. For purposes of this policy, pregnancy shall include childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

### **References**

[24-9-1201, et seq. ARM](#)

## MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL

**Policy:** Military Leave  
**Policy Number:** 106.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### Policy

Employees shall receive military leave in accordance with [10-1-1009, MCA](#) and [Department of Administration Personnel Policies and Procedures, policy number 3-0321](#). The Uniformed Services Employment and Re-employment Act (USERRA) also protects the job rights of employees who voluntarily leave employment to undertake military service. Information on USERRA is available at: <http://www.dol.gov/elaws/userra.htm>.

**MONTANA SECRETARY OF STATE'S OFFICE  
POLICY MANUAL**

**Policy:** Public Office Leave  
**Policy Number:** 107.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

**Policy**

Employees elected or appointed to a public office shall be granted a leave of absence in accordance with [2-18-620, MCA](#).

**MONTANA SECRETARY OF STATE'S OFFICE  
POLICY MANUAL**

**Policy:** Sick Leave  
**Policy Number:** 108.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

**Policy**

Employees shall receive sick leave in accordance with [2-18-618, MCA](#) and [Department of Administration Personnel Policies and Procedures, policy number 3-0310](#).

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Sick Leave Fund and Direct Grants  
**Policy Number:** 109.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### **Policy**

It is the policy of the Secretary Of State's Office to allow the sharing of accrued sick leave among employees for use by eligible employees who suffer an extensive illness or accident in accordance with [2-18-618 MCA](#) and [Department of Administration Personnel Policies and Procedures, policy number 3-0311](#).

**MONTANA SECRETARY OF STATE'S OFFICE  
POLICY MANUAL**

**Policy:** Parental Leave  
**Policy Number:** 110.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

**Policy**

Employees shall receive parental leave in accordance with [2-18-606, MCA](#) and [Department of Administration Personnel Policies and Procedures, policy number 3-0312](#).

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Family and Medical Leave  
**Policy Number:** 111.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### **Policy**

Employees are eligible for family and medical leave in accordance with the Family and Medical Leave Act of 1993 and the [Department of Administration Personnel Policies and Procedures, policy number 3-0309](#).

## MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL

**Policy:** Grievance Policy  
**Policy Number:** 201.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### **Policy**

The Secretary of State's Office shall follow the [Department of Administration grievance procedure, policy number 3-0125](#). The responsibilities assigned to the department head under that policy shall be performed by the Chief Deputy.

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** EEO and ADA Complaint Resolution Procedure  
**Policy Number:** 202.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### **Policy**

The Secretary of State is committed to resolving complaints of discrimination in a fair and timely manner. This complaint resolution procedure is to be used when an applicant, client, customer or employee alleges that discrimination has taken place. Management must investigate when reports are received. Complaints concerning discrimination are to be submitted to the agency Equal Employment Opportunity (EEO) Officer/American Disabilities Act Coordinator.

### **Procedures**

#### **A. Rules for filing ADA and EEO Complaints:**

1. Any applicant, customer, or employee who believes he or she or another person has been subjected to discrimination in violation of the equal employment opportunity policy is encouraged to report the incident(s) or action(s) to the ADA Coordinator/EEO Officer as soon as possible after the alleged discrimination occurs. Early reporting is encouraged because the employer's ability to investigate and act on reports diminishes with time. Complaints, requests for accommodation or questions related to ADA or discrimination should be addressed to: EEO Officer, 1236 6<sup>th</sup> Avenue, P O Box 202801, Helena MT 59620-2801 (phone 406-444-5598).
2. All complaints must be filed in writing and contain: a) the name, address, and telephone number of the individual or representative filing the complaint; b) an explanation of the discrimination, complaint, or denial of service; c) the corrective action or other remedy being sought; and d) a signature of the person filing the complaint.
3. The complaint must be received within 90 calendar days of the alleged violation. This time may be extended up to a total not to exceed 180 days for good cause shown as determined by the ADA Coordinator/EEO Officer.

#### **B. Steps for Processing ADA and EEO Complaints:**

1. Any supervisor who receives a report of an alleged discrimination shall immediately notify the agency EEO Officer/ADA Coordinator.
2. Upon receipt of a report alleging discrimination, including sexual harassment, the agency shall take all appropriate steps to prevent the alleged misconduct from continuing pending completion of the investigation. The agency will determine the steps to be taken by balancing the rights of the alleged victim, including the severity of the alleged conduct, and the rights of the alleged harasser.
3. The EEO Officer/ADA Coordinator shall initiate an investigation or select another appropriate management representative to initiate the investigation no later than 10 working days after receiving notice of the alleged discrimination. The investigation shall include verification of the report, a recommended course of action, and written documentation of the investigation. The investigator shall submit the results of the investigation to the Chief Deputy. The factual report shall remain confidential and may not be disseminated except to persons having a need or right to know which outweighs the privacy rights of the persons involved.
4. Within 15 working days of receiving the investigator's factual report, the agency will, in writing, inform the complainant, any employees directly involved, their immediate supervisors, and the EEO Officer/ADA Coordinator of the results of the investigation and the agency's decision.
5. If the investigation establishes that there is insufficient evidence to find that illegal discrimination occurred, the agency will inform all parties involved that no action will be taken. If the investigation establishes that discrimination occurred, the agency will take appropriate action, including, but not limited to, disciplinary measures pursuant to the agency's disciplinary policy, which may include termination. The agency will, in writing, inform the complainant only that an action was taken, not the details of the action.
6. Neither the agency management nor any employee will retaliate against any employee for filing a discrimination complaint or for participating in any way in a complaint procedure.

C. Other Complaint Filing Option:

1. An applicant, client, or employee may concurrently file a complaint of unlawful discrimination with the Human Rights Bureau (PO Box 1728,

Helena MT 59624-1728, phone 1-800-542-0807). The complaint must be filed either:

- a. within 180 days of the alleged incident; or
  - b. if the employee initiates action to resolve the alleged discrimination in accordance with this procedure or contract grievance procedure, within 300 days of the alleged incident.
2. In the event an individual chooses to pursue a complaint alleging ADA or EEO violation through an alternative procedure prior to exhaustion of the procedure established herein, the Secretary of State's Office shall have no obligation to continue to investigate the same or a similar complaint through this internal procedure.

## MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL

**Policy:** Compensatory Time for Exempt Employees  
**Policy Number:** 301.0  
**Approved:** By Secretary of State Brad Johnson on February 22, 2005

---

### Policy

- A. It is the policy of the Secretary of State to allow state employees who are exempt from the federal Fair Labor Standards Act of 1938 ([FLSA, Title 29 U.S.C., Chapter 8, sections 201-219](#), as amended) to accrue and use exempt compensatory time in compliance with this policy. State and federal law do not require the state to make the accrual or use of compensatory time available to exempt employees. Exempt compensatory time is not intended to provide any compensation in addition to the salaries established in statute. Rather, it is a means of providing greater flexibility and accountability in scheduling time for exempt, salaried employees.

Nothing in this policy guarantees that an exempt employee will be allowed to work hours which result in the accrual or use of exempt compensatory time. Each request to work such hours shall be approved or disapproved by the employee's supervisor in compliance with this policy.

The objective of this policy is to establish minimum standards for the administration of exempt compensatory time for state employees not subject to the overtime provisions of the FLSA.

- B. As used in this sub-chapter, the following definitions apply:
1. "Exempt compensatory time" means time accrued on an hour-for-hour basis for time in a pay status in excess of 40 hours in a workweek. Accrued time may be taken as approved paid time off at a later date.
  2. "Exempt employee" means an employee who is not subject to the overtime pay provisions of the federal FLSA and its regulations, and includes exempt personal staff appointed pursuant to [2-18-104, et al., MCA](#). FLSA exempt employees are listed in the [FLSA at 29 U.S.C. Chapter 8, section 213](#) and further defined in [29 CFR 541](#).
- C. Administration of Exempt Compensatory Time
1. All hours in a pay status shall be counted as hours worked for purposes of calculating exempt compensatory time earned. Absent time in a pay status,

including holidays, paid leaves, and exempt compensatory time taken off, is counted as hours worked.

2. Hours worked in excess of 40 in a workweek shall be reported on a time and attendance form, as prescribed by the office, to be accrued as exempt compensatory time.
3. Exempt compensatory time shall be earned, recorded, and used in no less than one-half hour increments.

D. Exempt Employees and Exempt Compensatory Time

1. An exempt employee must obtain approval from his or her supervisor, in advance whenever possible, to work hours which may result in the accrual of exempt compensatory time. The employee's supervisor determines whether hours worked by an exempt employee which exceed 40 in a workweek will be accrued as exempt compensatory time under these rules. The supervisor may approve or deny the accrual of exempt compensatory time either before or after the hours are worked. The employee's supervisor decides whether hours in excess of 40 in a workweek, which an exempt employee spends traveling or attending conferences, lectures, meetings, education, or training, should be credited as exempt compensatory time under these rules.
2. Accrued exempt compensatory time may be taken off by the employee at a mutually agreeable later date during the employee's regular working hours, if the use of the compensatory time does not unduly disrupt the operations of the agency. Where the interest of the state requires the employee's attendance, the state's interest overrides the employee's interest to take exempt compensatory time off.
3. A maximum of 120 hours of exempt compensatory time may be carried over from one calendar year to the next. A determination of excess exempt compensatory time will be made as of the end of the first pay period which extends into the next calendar year. The employee must take off all excess compensatory time during the first 90 days of the next calendar year or forfeit the excess hours.
4. An employee's supervisor may adjust the schedule of an exempt employee within a workweek to avoid the accrual of compensatory time. The supervisor may require an exempt employee to take accrued exempt compensatory time off during any workweek.
5. Exempt compensatory time may be transferred with the employee to another agency, provided the new agency agrees. An agency is not

obligated to accept any exempt compensatory time when an employee transfers from another agency. This office, at the discretion of the Chief Deputy, may agree to accept some or all accrued exempt compensatory time, up to a maximum of 120 hours.

6. There shall be no lump sum cash compensation for accrued exempt compensatory time upon transfer or at the date of termination.
7. The Secretary of State's Office is under no obligation to extend an employee's termination date to allow an exempt employee to take off accrued exempt compensatory time upon termination. A small amount of exempt compensatory time may be used to extend an employee's termination date at the sole discretion of the Chief Deputy.

## MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL

**Policy:** Overtime and Compensatory Time for Non-exempt Employees  
**Policy Number:** 302.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### Policy

- A. Non-exempt employees who are subject to the provisions of the Fair Labor Standards Act shall receive overtime compensation at the rate of one and one-half times the employee's regular hourly rate or accrue compensatory time at the rate of one and one-half hours for all hours worked over forty (40) hours in a workweek in accordance with [Department of Administration Personnel Policies and Procedures, Policy Number 3-0210](#) and the provisions of this policy. The provisions of this policy prevail over any conflicting provisions in the Department of Administration policies. No employee may receive overtime compensation or accrue compensatory time during a work week in which compensatory time off, annual leave, or sick leave was used.
- B. Overtime should be avoided whenever possible. Daily work schedules may be modified within the forty (40) hour work week to accommodate workload fluctuations without accrual of compensatory time or payment of overtime.
- C. Employees must receive permission from their immediate supervisor to work overtime or accrue compensatory time. Advance written approval may be required by the supervisor to use accumulated compensatory time. If compensatory time will be accrued for overtime hours worked in lieu of payment at the overtime rate, an understanding to that effect must be reached between the employee and the supervisor prior to the authorization to work overtime hours. Accrual of compensatory time is preferred over payment of overtime. Typically, overtime pay will be authorized only in extraordinary situations.
- D. Overtime and noncompensatory time shall be earned and used in increments of no less than one-half hour.
- E. When accrual of compensatory time is authorized, the following provisions shall apply:
  - 1. The maximum amount of compensatory time which may be accumulated is 160 hours of overtime worked or 240 hours of

compensatory time. Bureau deputies may establish lower maximums.

2. An employee must have the appropriate supervisor's prior approval to use accumulated compensatory time. The dates when compensatory time off shall be granted shall be determined by agreement between employees and their supervisor.
3. If employment is terminated, any unused compensatory time will be paid to the employee at the regular rate of pay at the time of termination or the average regular rate received by the employee during the last three (3) years of the employee's employment, whichever is higher. A bureau deputy may establish other timeframes in which compensatory time must be used or will be cashed out.

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Work Schedules/Alternative  
**Policy Number:** 303.0  
**Approved:** By Secretary of State Brad Johnson on September, 2005

---

### **Policy**

- A. The Secretary of State (SOS) recognizes the practical use of alternate work scheduling for the purposes of providing better service, improving employee morale and accommodating certain working conditions. The agency will allow the implementation of alternate work schedules in those work units where it is practical and in the best interest of the agency.
- B. The SOS recognizes that there are some agency functions where alternate work scheduling is not feasible. Example includes operation of the communications system. This policy primarily applies to those offices and functional work units which conduct their business operations, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m.
- C. Nothing in this policy limits a bureau deputy's authority to establish or change work schedules to provide for adequate staff coverage or meet the workload demands of the bureau, nor does it guarantee approval of an alternate schedule request by an employee.

### **Definitions**

- A. Regular Work Schedule: Monday through Friday, 8:00 a.m. to 5:00 p.m.
- B. Alternate Work Schedule: A work schedule requested by an employee, and approved by his or her supervisor, which allows an adjustment to a regular work schedule.

### **Rules**

- A. The bureau deputy or designee has the discretion to approve or disapprove alternate work schedules. Employees may request an alternate work schedule based on procedures outlined in this policy.
- B. Provisions of this policy apply only to alternative work schedules requested by the employee and not to work schedules established by agency management.

## **Criteria**

- A. Mandatory coverage - Montana statute requires that state executive branch offices be open continuously from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on Saturdays, Sundays and holidays. The bureau deputy must provide adequate staff coverage during those hours. ([2-16-117, MCA,](#) )
- B. Coverage of essential agency functions - coverage must be provided to persons who would expect service during regular business hours. Essential functions, such as receptionist duties, must be provided during mandatory hours of service.
- C. Cooperative work time – The bureau deputy should consider the amount and type of interaction necessary between employees of a work unit or units before approving alternate work schedules. Alternate work scheduling that significantly reduces an employee's necessary interaction with and support of other employees, and impacts an employee's ability to perform required tasks, should not be approved.
- D. Four ten-hour days - Four ten-hour day work schedules may be allowed as an alternate work schedule. This type of schedule may cause special timekeeping and coverage problems. A four-ten schedule must be established within the limitations of this policy and in accordance with state law, and state and agency policies regarding the accrual and use of holiday pay, annual leave, and sick leave. Any request for a four ten-hour work schedule must be approved by the Chief Deputy.

## **Limitations**

- A. Regular business hours for the agency are 8:00 a.m. through 5:00 p.m. All full-time employees, not on a leave of absence, must be regularly scheduled during these hours on the days they are scheduled to work, unless an alternate work schedule has been approved.
- B. Employees shall not be scheduled nor begin their workday before 6:00 a.m. or end after 6:00 p.m. Exceptions which clearly benefit bureau operations may be approved by the Chief Deputy and the bureau deputy affected.
- C. Lunch Periods
  - 1. All full-time employees are required to take at least a one half-hour unpaid lunch break, except in exceptional circumstances approved by the Chief Deputy. Scheduling of breaks is left to the discretion of the supervisor.
  - 2. A supervisor may allow an employee to work through a lunch break to complete projects or meet a work deadline.

3. An extended lunch period (greater than one hour) may be approved by the bureau deputy. The specific intent of the extended lunch period is to encourage participation in health and wellness programs.
- D. Rest Breaks
1. Employees are authorized to take two fifteen-minute breaks each work day, one during the first half of the work shift and one during the second half. Scheduling of breaks is left to the discretion of the supervisor.
  2. Breaks must not exceed fifteen minutes total time.
  3. Employees are responsible for working their scheduled shift regardless of whether they may have missed, or chosen not to take a rest break.
  4. Supervisors may require an employee to work through a break to complete a project or meet an established deadline.
  5. Breaks may not be combined to extend a lunch break or used to shorten the length of a work shift, resulting in an employee leaving work early.
- E. Cancellation of alternate work schedules
1. The bureau deputy may withdraw approval of an employee's alternate work schedule. Employees will be given five working days notice prior to a change in a work schedule unless bureau staffing and workload needs require a more immediate change. Employees will be given no less than 24 hours notice of a schedule change.

## **Procedures**

- A. Request and Approval
1. Employees seeking to establish an alternate work schedule must submit a request in writing to their supervisor no less than five working days in advance of the proposed change.
  2. The bureau deputy or designee will review, and approve or deny all requests using the guidelines established in this policy, other applicable agency policies, and agency needs.
  3. Employees may request that the Chief Deputy review a bureau deputy's decision on an alternate work schedule request. The Secretary of State decision, based on the Chief Deputy's recommendation, shall represent the agency's final determination in the matter.
  4. Bureaus will post or maintain a list of employees' work schedules. It is recommended that an employee's alternate work schedule be posted at their desk or work location.

5. Employees who have unique work duties and responsibilities, which may warrant an exception to a specific part of this policy, should seek approval of the bureau deputy for the exception. The bureau deputy should document the reasons and rationale for approving exceptions.

**B. Exceptions**

1. Nothing in this policy limits the authority of a supervisor to grant occasional exceptions to established employee schedules, based on a review of individual employee requests and needs (see [Flex Time Policy 304.0](#)).

**Closing**

Assistance in interpretation or administration of this policy is available from the Secretary of State's Personnel Officer.

**Reference**

[MCA 2-16-117](#), Office Hours

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Work Schedules/Flex Time  
**Policy Number:** 304.0  
**Approved:** By Secretary of State Brad Johnson, September 2005

---

### **Policy**

- A. The Secretary of State (SOS) recognizes the practical use of flexible work scheduling for the purposes of ensuring better customer service and to assist employees in balancing work requirements and personal needs. The agency will allow the implementation of flex time in work units where it is practical and in the best interest of the agency.
- B. The SOS recognizes that there are some agency functions where flexible work scheduling is not feasible.
- C. Nothing in this policy limits a bureau deputy's authority to establish or change work schedules to provide for adequate coverage or to meet the workload of the agency, nor does it guarantee approval of a flex time request by an employee.

### **Definitions**

- A. Regular Work Schedule: Monday through Friday, 8:00 a.m. to 5:00 p.m.
- B. Alternate Work Schedule: a work schedule requested by an employee which allows for an adjustment to a regular work schedule.
- C. Flex Time: allows an employee to begin or end a workday or lunch break earlier or later than their regular or alternate work schedule. This may result in less than or more than an 8-hour workday, but not less than or more than a 40-hour work week.
- D. FLSA: stands for Fair Labor Standard Act. FLSA is the federal regulation governing employee compensation and working conditions.

### **Rules**

- A. The bureau deputy or designee has the discretion to approve or disapprove flex work schedules. Employees may request flex time based on procedures outlined in this policy.

- B. The allowance of flex time does not change an employee's normal work schedule. Flex time provides flexibility of work hours, for personal needs, within a regular work schedule or an alternate work schedule. Employees must have an established work schedule (see [SOS Policy No. 303.0, Work Schedule Policy](#)) before requesting flex time.
- C. Employees must exercise common courtesy when flex time is used.

### **Eligibility**

- A. Provisions of this policy apply only to flex time work schedules requested by an employee and not to work schedules established by agency management.
- B. The bureau deputy or Chief Deputy has the authority to establish more restrictive limitations for each of its work sections.

### **Criteria**

- A. Mandatory coverage - Montana statute requires that state executive branch offices be open continuously from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on Saturdays, Sundays and holidays. The bureau deputy must provide adequate staff coverage during those hours ([2-16-117, MCA](#)).
- B. Essential function coverage - coverage that must be provided to persons who would expect service during regular business hours. Essential functions, such as receptionist duties, must be provided during mandatory hours of service.

### **Limitations**

- A. Work schedules must address the regular business hours of 8:00 a.m. to 5:00 p.m. to maximize work time available for customers and to interface with other governmental agencies.
- B. Temporary and probationary employees will not be granted flextime privileges.

### **Procedures**

- A. The bureau deputy or designee will approve or deny all requests using the guidelines established in this policy, other applicable agency policies, and agency needs.
  - 1. The bureau deputy or designee may disapprove an employee's request to flex time, if the desired work shift coverage is insufficient to accomplish the workload, deadlines or any other mandatory work obligations, such as fiscal-year-end, coverage during other employee's absences, training, etc.
- B. Employees must achieve the 40-hour pay status, within a workweek, using only half-hour increments. Time used or taken in less than half hour increments must

be recorded appropriately in half-hour increments or the time must be made up within that 8-hour day.

1. If an employee's scheduled shift is 8:00 – 5:00 and the employee arrives 10 minutes late, the employee should begin lunch at 12:10, return from lunch at 12:50 or leave work at 5:10. If the time is not made up, it must be recorded as a half-hour not worked that day, using annual leave or compensation time taken.
- C. Rest breaks will not be allowed to extend or substitute for lunch periods nor allow for early departure or late arrival.
  - D. Hours worked are recorded within a 40-hour work week not an 80-hour pay period. At the end of the week (Friday at 6:00 p.m.) every employee must account for work hours scheduled.
  - E. The bureau deputy may approve work schedules that do not include a meal break.
  - F. Employees in travel status are in their regular or alternate scheduled shift. Extra time worked or time not worked must be recorded as time earned, leave taken or flex time within the work week.
  - G. If management identifies conflicts with the use of flextime and work schedules that cannot be resolved with proper justification, management has the prerogative to change employee work hours at any time, with proper notice.
  - H. When scheduling conflicts arise and cannot be resolved by the bureau deputy, the Chief Deputy will make the final determination regarding work hours.

### **Closing**

Assistance in interpretation or administration of this policy is available from the Secretary of State's Personnel Officer.

### **Reference**

[2-16-117, MCA](#), Office Hours  
[SOS – 303.0](#), Work Schedule

**MONTANA SECRETARY OF STATE'S OFFICE  
POLICY MANUAL**

**Policy:** Work Schedules/Telework  
**Policy Number:** 305.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

**Policy**

It is the policy of the Secretary of State's Office to allow employees to telework when there are opportunities for improved employee performance, reduced commuting miles, agency savings, and other business reasons. Telework means a flexible work arrangement where selected employees work one or more days a week from their home or at a site near the home instead of physically traveling to a central workplace.

Employees will be selected for telework based on the value to the agency, job suitability, the likelihood of success as teleworkers, and the supervisor's ability and willingness to manage telework employees.

Telework shall be voluntary. Either the agency or the employee may discontinue the arrangement at any time.

All telework arrangements must be approved by the Chief Deputy.

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Reporting of Absences  
**Policy Number:** 306.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### **Policy**

- A. Staff who are going to be out of the office for a period of time during the regular business day shall utilize the electronic checkout board, including a note on the return time anticipated.
- B. Staff who are going to be out of the office on business or personal leave for a significant period of time (more than four hours) should notify their supervisor as well as utilizing the checkout board.
- C. Staff traveling outside of Helena on business and who will be claiming mileage or per diem should get advance approval from the appropriate bureau deputy.
- D. Staff who will be out of the office on unscheduled leave shall notify their immediate supervisor by 8:30 AM of their absence and anticipated return date or time. If the supervisor is unavailable, staff should contact the bureau deputy. If the bureau deputy is not reached, staff should contact the SOS receptionist who will notify the appropriate parties.

**MONTANA SECRETARY OF STATE'S OFFICE  
POLICY MANUAL**

**Policy:** Discipline and Termination of Classified Employees  
**Policy Number:** 401.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

**Policy**

Discipline and termination of classified employees shall be in accordance with [Department of Administration Personnel Policies and Procedures, policy number 3-0130.](#)

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Equal Employment Opportunity  
**Policy Number:** 402.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### **Policy**

It is the policy of the Secretary of State's Office to recruit, appoint, assign, train, evaluate, and promote all classified employees on the basis of merit & qualifications regardless of race, color, religion, creed, sex, national origin, age, disability, marital status or political belief, when reasonable demands of the position do not require an age, disability, marital status, or sex distinction, with the exception of special programs established by law.

The Secretary of State's Office is committed to provide reasonable accommodation to any known disability that may interfere with a qualified disabled person's ability to compete in the selection process or to perform the essential functions of the job, except where the accommodation would create an undue hardship in the office. Employees shall be protected against retaliation for lawfully opposing any unlawful discriminating practice, including the filing of a grievance or the initiation of an external administrative or legal proceeding or testifying in or participating in any of the above.

The Secretary of State's Office is responsible for equal employment opportunity as a policy in the agency. The Secretary of State's Office pledges to promote and support practices which protect the right of equal employment opportunity.

The responsibility for attempting to resolve employees' EEO complaints shall be the responsibility of the Personnel Officer, who shall be designated as the office EEO officer. Any inquiries, questions, requests for interpretations, or grievances should be referred to the EEO Officer.

### **References**

[49-3-101, et seq., MCA](#)

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Sexual Harassment  
**Policy Number:** 403.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### **Policy**

Sexual harassment of employees by co-workers or supervisors is prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- a) submission of such conduct is made implicitly or explicitly as a term or condition of an individual's employment;
- b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive environment.

Violations of this policy may result in disciplinary action.

Examples of prohibited sexual harassment include, but are not limited to:

- a) propositions or pressure to engage in sexual activity;
- b) sexual assault;
- c) repeated intentional body contact;
- d) repeated sexual jokes, innuendoes, or comments;
- e) constant staring or leering;
- f) inappropriate comments concerning appearance
- g) display of magazines, books, pictures, or electronic documents with a sexual connotation;
- h) a pattern of hiring or promoting sex partners over more qualified persons; or
- i) any harassing behavior, whether or not sexual in nature, directed toward a person because of the person's gender, including but not limited to, hazing employees working in nontraditional work environments.

## Procedures

An employee who believes he or she has been the subject of sexual harassment must within 30 calendar days bring the alleged act to the attention of the agency Personnel Officer. Early reporting is encouraged because the ability to investigate and act on complaints diminishes with time. The Personnel Officer may in exceptional situations at his/her discretion and with concurrence of the Chief Deputy investigate sexual harassment complaints filed after the 30 day time period. If the complaint is against the Personnel Officer the complaint shall be filed with the Chief Deputy who shall appoint another person to investigate the complaint. The Personnel Officer shall investigate and respond to the complaint within 30 calendar days of notification. The employee making the complaint shall cooperate with the EEO Officer in investigating and verifying the complaint. As part of the investigation the person about whom the complaint is made shall be informed of the complaint and be given an opportunity to respond to the charges. The Personnel Officer shall prepare a report and make a non-binding recommendation to the Chief Deputy.

The Chief Deputy shall make the final determination on the proposed action to be taken. The report and the Chief Deputy's decision shall be given to the employee making the complaint and the employee about whom the complaint is made. If the employee making the complaint is not satisfied with the Secretary of State's decision, the employee may file an appeal with the Human Rights Bureau.

(History: [Sec. 2-18-102, MCA](#); [IMP, 2-18-102, MCA](#); [NEW, 2000 MAR p. 3515](#), Eff. 12/22/00.)

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Reduction in Work Force  
**Policy Number:** 404.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### **Policy**

Classified employees may be laid off when in the judgment of the employer it is necessary to reduce the number of classified employees in accordance with [Department of Administration Personnel Policies and Procedures, policy number 3-0155.](#)

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Education and Training  
**Policy Number:** 405.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### **Policy**

- A. The Secretary Of State's Office encourages employees to obtain job related education and training. The granting of paid leave to obtain such training or education and the payment of any expenses shall be at the discretion of the employer. The extent of the employer's support for training and education shall be based on an analysis of costs and benefits to the agency, and the dollars available to support training activities.
1. Benefits to the agency which shall be considered by the employer when assessing requests for education and training shall include but are not limited to: a) whether the education or training is necessary to enable the employee to meet agency expectations in accomplishing performance objectives; b) how likely it is the education or training will improve the employee's job performance; c) how likely it is the education or training will improve performance of potential job duties; and d) to what extent the education or training will contribute to meeting current and future agency goals and objectives.
  2. Costs to the agency which shall be considered by the employer when assessing requests for education and training include, but are not limited to: a) actual costs of education or training, including tuition, fees, transportation, and per diem; b) costs to the agency in time lost by the employee including loss of the employee's productivity, and other costs such as overtime; c) the impact on the agency budget and the dollars available for training; and d) whether the education or training may be provided in another fashion which would be more cost efficient.
  3. Consideration should be given to potential inequities which may result when education and training is provided by the agency to some, but not all, similarly situated employees. To the extent feasible, similarly situated employees should be given equal opportunities for education and training.
- B. When the employer requires an employee to attend training as a condition of employment, the agency shall pay all appropriate costs including: regular salary while on leave and overtime or compensatory time where appropriate for

nonexempt employees, all tuition and fees (including required texts), and transportation and per diem where appropriate.

- C. The employer is not required to pay costs of courses required for professional certification. However, such costs may be paid where funds are available and the content of a specific course is sufficiently job-related.
- D. Leave or expenses granted for education or training not required by the employer should be in proportion to the anticipated benefits to the agency and may range from no leave and no expenses paid to paid leave and full expenses. At the discretion of the employer, an employee may be allowed leave with pay, leave without pay, or use of accumulated compensatory time or annual leave to attend training or education courses. With approval of the employee's supervisor, employees may be allowed to modify their normal work hours in order to make up lost work time due to attendance at approved education or training.

### **Procedures**

Employees who desire employer support for education or training shall submit a request in writing to their immediate supervisor. The request shall include the nature of the training or education, the dates and times of the training or education, the cost of the training or education, the location of the training or education, the level of support desired, and a discussion of the benefits of the education or training to the agency. Supervisors shall recommend approval or disapproval of the requested training and forward the request up through the chain of command. The Chief Deputy must approve all requests for out of state training.

Payment of expenses for education or training will be conditioned upon successful completion of coursework. Successful completion of educational coursework is defined as the receipt of a C grade or better; in cases of ungraded training or education, successful completion shall be defined at the time the training is approved. This requirement may be waived in exceptional circumstances upon recommendation of the supervisor and approval of the Chief Deputy.

- A. Payment of expenses for education or training may be conditioned upon the employee's promise to continue to work for the agency for a specified period after completion of the education or training. In such instances, a written agreement will be entered into prior to the commencement of the training or education.
- B. In cases where payment of expenses for education or training is conditioned upon successful completion or a promise to continue to work for the agency for a specified period, the employee will be required to reimburse the agency for the amount of money received by the agency in

the event the required conditions are not met. If reimbursement is not made, the amount due will be withheld from the employee's paycheck.

- C. Employees who attend employer subsidized training or education may be required to prepare a report or make a presentation in order to share the information received through the training or education.

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Probationary Period for Classified Employees  
**Policy Number:** 406.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### **Policy**

All classified employees newly hired to state government into a permanent position with the Secretary of State's Office will complete a one-year probationary period. The length of the probationary period may be extended for up to an additional six months upon written notice to the employee on or before the end of the probationary period. During the probationary period the employer or employee may terminate the employment relationship without prejudice or a showing of cause. Employees who are promoted from one classified position to another may be required to serve a trial period of up to six months in the new position. In such instances, the employee will be informed in writing at the time of the promotion of the length of the trial period. Any employee who is required to serve a trial period because of a promotion may be returned to their former or an equivalent position at any time during the trial period at the discretion of the employer. Any such instance must be approved by the Chief Deputy.

### **Procedures**

- A. During the probationary period, the employee's performance and overall conduct should be observed and assessed by the employee's supervisor. The supervisor is responsible for recommending to the Chief Deputy that the employee be retained as a permanent employee or be discharged.
- B. An employee may be notified of dismissal at any time during the probationary period. Prior to finalizing the decision to terminate, the situation should be reviewed with the Chief Deputy. Employees must be given written notice of termination prior to the end of the probationary period. Such notice shall specify the last day of work for the employee.

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Employee Records  
**Policy Number:** 501.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### **Policy**

An official personnel file will be maintained for each employee. Such files will contain such documents as payroll status forms, authorizations for payroll deductions, state application or resume, insurance and retirement enrollment forms, material pertaining to the employee's performance and any other information deemed appropriate by the Secretary of State or his designee.

- A. Employees may review the contents of their official personnel file, except for confidential correspondence such as references provided upon initial employment, and may receive a copy of any of its nonconfidential contents. Employees may request that relevant material be included in their personnel file and upon agreement of the employer such material shall be included.
- B. Files containing personnel documents should be kept locked when not in use.
- C. An employee's position title, dates and duration of employment, and salary are public information and must be released upon request. No justification may be required for the request.

**MONTANA SECRETARY OF STATE'S OFFICE  
POLICY MANUAL**

**Policy:** Time Keeping and Reporting  
**Policy Number:** 502.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

**Policy**

It is the responsibility of each employee to accurately report time worked and leave taken for each pay period.

**Procedures**

- A. Electronic timesheets must be submitted by each employee. Immediate supervisors and/or bureau deputies must also approve their employees' timesheets as verification that the timesheets have been reviewed and approved.
- B. Electronic timesheets should be submitted as soon as possible after the end of the payroll period. Payroll periods end on alternate Fridays. Earlier deadlines may be established when a holiday falls at the end or after the payroll period. If an employee does not submit a timesheet in accordance with these deadlines, the employee may not be paid until the following pay period.
- C. Wages for terminated employees are payable at the next regular pay period during which the employee was terminated or fifteen (15) calendar days from the date of termination, whichever occurs first, either through the regular pay channels or by mail if requested by employee.

## MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL

**Policy:** Travel  
**Policy Number:** 503.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### Policy

The Secretary of State's Office travel policy is in accordance with State of Montana, Department of Administration travel policy as provided at [http://doa.mt.gov/doatravel/Docs/PDF/travelpolicy\\_2006.pdf](http://doa.mt.gov/doatravel/Docs/PDF/travelpolicy_2006.pdf).

- A. Employees may be required to travel in order to perform essential duties of their position or to participate in job related training. Employees and their supervisors must recognize that travel expenses can be a major budget consideration and be aware of the need for efficiency and economy in travel.
- B. Advance approval from the bureau deputy is required for all in-state travel. The Chief Deputy must give advance approval for any out-of state or foreign travel.
- C. Reimbursement for travel expenses shall be made only for those incurred while traveling in connection with official state business and shall be in accordance with State of Montana, Department of Administration travel policy as provided at [http://doa.mt.gov/doatravel/Docs/PDF/travelpolicy\\_2006.pdf](http://doa.mt.gov/doatravel/Docs/PDF/travelpolicy_2006.pdf). Travel advances may be requested but should be submitted at least 5 working days prior to the commencement of the travel.

**Reference:**  
MOM, 1-0300

## MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL

**Policy:** Vehicle Use  
**Policy Number:** 504.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### **Policy**

The Secretary of State's Office travel policy is in accordance with State of Montana Risk Management and Tort Defense State Vehicle Use Policy as provided at <http://rmtd.mt.gov/aboutus/files/vehicleuseruleadopted.doc>.

Employees must complete an agency "Vehicle Use Agreement" before being allowed to drive an agency vehicle or a personal vehicle for agency business use.

Supervisors are responsible for assuring the agency employee agreement is completed and forwarded to Management Services Bureau (MSB), Personnel Officer, for inclusion in the employee's personnel file.

### **References**

State Vehicle Use Rules, [ARM 2.6.201 through 2.6.214](#)  
[2-17-424, MCA](#)  
[2-17-432, MCA](#)  
MOM, 1-0500

## MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL

**Policy:** Records and Information Management (RIM)  
**Policy Number:** 601.0  
**Approved:** By Secretary of State Brad Johnson on November 8, 2005

---

### Policy

- A. The Secretary of State (SOS) recognizes the requirements of records and information management (RIM) for the purposes of compliance and improved business practices.
- B. The SOS will implement the procedures and standards necessary to achieve RIM compliance with federal and state requirements ([2-6-201- 2-6-213, MCA](#)).
- C. Nothing in this policy limits a bureau deputy's or Chief Deputy's authority to request change of policy, retention schedules or internal procedures in order to meet the RIM operations of the agency.

### Definitions

- A. Agency Retention Schedule(s) ([RM3](#)): the state approved document that institutes retention periods for public records, not governed by the *State of Montana General Records Retention Schedules* (MOM, 1-0800).
- B. Legal Hold: the Chief Legal Counsel's documented notification issued to the agency's records and information bearing parties, placing a discovery or litigation "hold" on official copies; whether in hardcopy or electronic medium. Identified records are held outside of retention period counts, until the Chief Legal Counsel provides documented release, based upon their final legal event (i.e., ruling, case closure).
- C. Non Record: ([2-6-202, MCA](#)) any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other type of document that is for reference purposes only (i.e., a preliminary draft, telephone message or routing slips, a stock of publications or preprinted forms, superseded publications, etc).
- D. Migration Plan: the documented agreement and specifications that ensure the migration and accessibility of public records for the duration of the records' retention schedule(s).

- E. Official Copy: a hardcopy or electronic document possessing public record status, created or received while conducting state business and serving state government in that official capacity. This document type may be referred to as the primary copy or matter-of-record copy and must follow the records management requirements as outlined in [MCA Title 2, Chapter 6](#) and *Montana Operations Manual* (MOM, 1-0800). Official records may be disposed or expunged, only upon approval by the State Records Committee, whereas the agency has assured the State Records Committee that the official records have met state requirements for retention.
- F. Public Record: ([2-6-202, MCA](#)) any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including copies of the record required by law to be kept as part of the official record, regardless of physical form or characteristics, that:
  - (a) has been made or received by a state agency to document the transaction of official business;
  - (b) is a public writing of a state agency pursuant to [2-6-101\(2\)\(a\), MCA](#); and
  - (c) is designated by the state records committee for retention pursuant to this part; and
  - (d) all other records or documents required by law to be filed with or kept by any agency of the state of Montana.
  - (e) The term includes electronic mail sent or received in connection with the transaction of official business.
- G. Records and Information Management (RIM): the establishment of guidelines and procedures for the efficient and economical control of the creation, utilization, maintenance, and preservation of the SOS public records.
- H. Records Coordinator: division, bureau or work unit designee, responsible for the coordination of records management responsibilities & activities.
- I. Records Custodian: an agency liaison, responsible for the coordination of an agency's records management responsibilities & activities.

## **Rules**

- A. The Records Management bureau deputy or the Chief Deputy has the authority to establish content and approval of the Records and Information Management Policy.
- B. Every employee within the Secretary of State's office must participate in the management of the agency's records and information, according to this policy.

## **Eligibility**

- A. All records, whether paper or electronic, created or received by the agency

during the course of agency business, are public records. SOS is required by state and federal regulations to maintain the integrity, access and privacy of public records under its custodianship.

### **Criteria**

- A. Each bureau's deputy and the executive staff members must ensure RIM practices are followed as outlined in this policy.
- B. Public documents containing sensitive or confidential information must be shredded or expunged at the end of their assigned and approved retention period(s).
- C. Annually, the agency's Records Custodian and Records Coordinators shall observe their records management responsibilities and/or activities with the Records Management Bureau.
- D. Records held for litigation or discovery purposes, must be held until written release notification is received from the agency's Chief Legal Counsel.
- E. Official public records that reside in a digital format, must correlate to a retention schedule and a migration plan, ensuring accessibility, for the retention duration, per the state or agency-specific retention schedules ([ARM 44.14.101](#))

### **Procedures**

Inactive and/or terminated employee's records should be retired, in an organized manner, to either one of the agency's records repositories (RMB Records Center or agency network), for the duration of their possible use and/or retention as outlined by state or agency-specific retention schedules.

Records Custodians shall:

- a. Practice & exercise the state requirements outlined in [2-6-201 - 214, MCA](#);
- b. Provide primary contact between SOS-RIM staff, Agency Coordinators, Executive Staff and Information Technology (IT) staff;
- c. Disseminate profession publications and training notices to all agency personnel; and
- d. Assist Record Coordinators with managing accurate and current state required forms ([RM1 – RM5](#)) and training.
- e. Attend Record Custodian quarterly meetings as scheduled by the Records Management Bureau to stay abreast of requirements, policy changes, state direction of records and information management, serve on subcommittees as authorized and/or to coordinate other issues related to RIM policies, practices, etc.

Records Coordinator shall:

- a. Manage content and approval of retention schedule ([RM3](#));
- b. Box, label, catalog and transfers records for storage;

- c. Coordinate working relationship between division, bureau or work unit, RIM staff and appropriate IT staff for retention application or disposal purposes;
- d. Oversee records disposal requests ([RM5](#)) and proper disposition; and
- e. Attend training sessions as required to accomplish steps a - d above.
- f. Annually review and update record retention schedules ([RM3](#)) by adding new records series or eliminating terminated records series.
- h. Transfer inactive records to inactive storage at the Records Management Bureau or State Archives, utilizing a Records Transmittal Form ([RM2](#)).
- j. Conduct disposition of hardcopy and/or electronic records, that have met or exceeded their required retention period, using the Records Disposal Request Form ([RM5](#)).
- k. Attend training sessions provided by the Records Management Bureau or other entities that offer educational opportunities in Records and Information Management.

### **Limitations**

The State Records Committee is the only authority that may authorize the destruction of public records ([2-6-204, MCA](#)) via the state's Records Disposal Request Form (RM5).

### **Closing**

Assistance in interpretation or administration of this policy is available from the Secretary of State's Records Management Deputy. This policy shall be followed unless it conflicts with specific statutes, which shall take precedence to the extent applicable.

### **Reference**

[MCA 2-2-201-2-6-214](#), Public Records Management  
MOM Vol. 1-0800 Montana Operations Manual –Recordkeeping Requirements  
[ARM 44.14.101](#)  
[Constitution](#)

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Telephone Use, Including Cellular Telephones  
**Policy Number:** 701.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### **Policy**

The facilities of the state's telecommunication systems are provided for the conduct of state business. In addition to state business, the state's telecommunication systems may be used by employees for local and long distance calls to latch-key children, teachers, doctors, day-care centers and baby sitters and family members to inform them of unexpected schedule changes, and other essential personal business. The use of the state's telecommunication systems for essential personal business must be kept to a minimum, and not interfere with the conduct of state business. Essential personal long distance calls must be either collect, charged to a third party non-state number, or charged to a personal credit card.

### **Reference**

[ARM 2.13.102](#)

## MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL

**Policy:** Computer Use  
**Policy Number:** 702.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### Policy

The state computer system and all programs on it belong to the State of Montana. As used in this policy "the State" or "State of Montana" means your employer, the Secretary of State's Office. The State of Montana has serious business needs to monitor or retrieve information on its computer system for a variety of reasons that include, but are not limited to, trouble shooting software problems, retrieval of work files, preventing system misuse and assuring compliance with software distribution policies.

Employees do not have a right to privacy in any materials created, accessed, sent or received on state computer equipment whether password protected or not. Passwords may be overridden by the state.

By using the state computer system, including but not limited to the Internet and e-mail system, employees understand that management may monitor, read and review any and all information accessed or stored in the system and/or on your assigned state computer.

No one may use the state computer system or any of its programs for purposes to access or send foul, offensive, defamatory or pornographic information. You are reminded that the state has a zero tolerance policy for sexual harassment. Accessing or sending other types of harassing or derogatory information such as comments demeaning a person's sex, race, religion, disabilities and sexual orientation will not be tolerated.

To insure that the above guidelines are being met the state reserves the right to filter out or block inappropriate Internet sites and will from time to time conduct unannounced surveillance of any and all computer use by state employees. While the state will take steps to block offensive material and delete it when discovered, that does not mean material that is still accessible is appropriate.

Very limited, reasonable personal use of the state's e-mail system may occur to send a personal e-mail that does not contain foul, offensive, defamatory or pornographic information. Just like the use of the state telephone system, personal use of e-mail should be limited and brief. E-mail sent over the state

system, whether personal or state work related, should be proper in its content. Think of your state e-mail as a postcard that may be viewed by management at any time. Also, by way of example and without meaning to exhaust all possibilities, do not send chain letters, or other types of communications to solicit voluntary participation in athletic betting pools, political causes, religious causes or personal organizations. Do not use a personal e-mail account such as hotmail outside of the of the state e-mail system unless you have been granted an exception by the State Information Security Officer. Downloading or installing a non-state standard software is expressly forbidden and can open the door to viruses and other serious problems. Playing computer games, including card games, is prohibited.

An employee may access a non-obscene, non-offensive Web site on break time only. Use common sense and good judgment. Also, misuse of the state computer system by falsifying time sheets and recording non-work time as work time can lead to disciplinary action up to and including termination.

Documents deleted from any of your directories, including Outlook, may continue to exist and can be retrieved. A list of all Internet sites accessed by employees is available to management when management requests it or computer security personnel observe and report inappropriate use to management.

The state computer system may not be used to conduct or operate a personal business, whether commercial, "for-profit" or "non-profit" activities.

If you have a question about a particular use ask your supervisor before you use the state computer system for that purpose and potentially expose yourself to disciplinary action.

*Violation of any provision of this policy may result in disciplinary action up to and including termination.*

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Safety Policy Statement  
**Policy Number:** 703.0  
**Approved:** By Secretary of State Brad Johnson on November 25, 2005

---

### **Policy**

The Secretary of State's Office is required to develop a safety program under the Montana Safety Culture Act ([39-71-1504, MCA](#)).

Our employees are our most valuable resource, and protection of these employees will be given highest priority. In recognition of this, the Secretary of State's Office is establishing a safety program for the prevention of employee accidents and the safeguarding of state assets.

The objectives of the employee safety program are to provide to the best of our ability:

- A. a safe and healthy working environment for our employees and customers; and
- B. reduction of costs associated with accidental losses.

The achievement of these objectives is based upon good planning and ensuring that safety is an integral part of day-to-day operations and work procedures. This can only be accomplished if all Secretary of State's Office employees and supervisors take an active interest and participate in the safety program and abide by applicable federal, state, local, and office rules and regulations.

The success of our program can be measured directly by its ability to prevent unnecessary loss. An accident resulting in personal injury, property damage, or equipment loss represents needless waste. It is imperative that all employees and supervisors recognize their responsibility to prevent these losses and that they take all necessary actions to do so.

It is the earnest request of Secretary of State Brad Johnson that all employees of the Secretary of State's Office devote their serious attention toward making this program an integral part of day-to-day operations.

## MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL

**Policy:** Safety – Organization and Responsibilities  
**Policy Number:** 703.1  
**Approved By:** By Secretary of State Brad Johnson on November 28, 2005

---

**Authority:** The authority for the Secretary of State's Office Employee Safety Program is [39-71-1504, MCA](#), and the State of Montana Employee Safety Program Guidelines.

**Applicability:** This policy applies to all employees of the Secretary of State's Office.

- A. **Secretary Of State:** The Secretary of State is ultimately responsible for minimizing losses and accidents by encouraging and supporting an agency-specific safety program. To accomplish this, the Secretary of State shall:
1. Assure that a safety plan is developed by the Secretary of State's Office and implemented by all bureaus and the executive staff;
  2. Appoint a Safety Coordinator to work with the Executive Management Team in implementing the safety program;
  3. Assure that safety is an integral part of office operations; and
  4. Delegate necessary authority to administrative and supervisory personnel to accomplish their safety responsibilities.
- B. **Safety Coordinator:** A Safety Coordinator for the Secretary of State's Office will be appointed by the Secretary of State. The Safety Coordinator will work with the Executive Management Team in implementing the safety program. To accomplish this, the Safety Coordinator shall:
1. Work in conjunction with the Secretary of State's Office Risk Loss Manager (Personnel Officer) and with the Risk Management and Tort Defense Division and State Compensation Insurance Fund to support and encourage a program of safety within the Secretary of State's Office;
  2. Serve as the chairperson for the Secretary of State's Office Safety Committee, which meets at least quarterly to discuss safety issues and to review losses and trends;

3. Measure and monitor Secretary of State's Office safety performance for discussion with the Safety Committee and the Executive Management Team;
  4. Participate and encourage Secretary of State's Office participation in sponsored safety training programs; and
  5. Distribute important safety and loss prevention information and Safety Committee minutes to office staff.
- C. **Supervisors and Managers:** Secretary of State's Office supervisors and members of the Executive Management Team are a key to the effectiveness of the safety program. To accomplish this, each supervisor and manager shall:
1. Develop safe operating procedures commensurate with risks and the unique needs of the bureaus;
  2. Conduct new employee safety orientation and on-the-job training, when necessary;
  3. Assure that work areas are observed on a regular basis in order to identify unsafe acts or conditions;
  4. Require staff to comply with policies and procedures and all applicable safety and health regulations;
  5. Support safety training opportunities by encouraging staff participation;
  6. Perform ongoing hazard inspections and act on results to prevent future accidents;
  7. Participate in accident investigations and ensure meaningful preventive action is taken. Take whatever action is necessary to implement the recommendations, including temporary measures to prevent recurrence while more permanent solutions are being considered;
  8. Assure that employees and supervisors report all losses and incidents;
  9. Instill a positive, cooperative safety attitude in the Secretary of State's Office;
  10. Assist with return-to-work activities; and
  11. Assure that necessary records are kept and maintained.
- D. **Employees:** Every employee of the Secretary of State's Office is responsible to personally maintain a "safe attitude", use common sense, and comply with all state

and federal safety and health regulations and state safety policies and procedures. Employees must be made aware of their responsibilities to:

1. Participate in the employee orientation process;
2. Participate in on-the-job training;
3. Report hazards, incidents, and accidents immediately;
4. Assist in accident investigations;
5. Assist in return-to-work programs;
6. Use required personal protective equipment; and
7. Maintain good housekeeping.

- E. **Safety Committee:** The Safety Committee shall include representatives of employees and management, with management members not exceeding employee members.

The employee members will include at least one member per work site location. Employee membership will be voluntary. The membership term will be two years and the membership terms will be staggered to ensure continuity.

The committee's purpose is to stimulate voluntary safety input from employees and provide management with an effective safety feedback mechanism. To accomplish this, the committee shall:

1. Meet at least quarterly;
2. Document its activities, including preparation of meeting agendas and minutes;
3. Assist in fact finding and make recommendations for:
  - a. Assessing and controlling hazards;
  - b. Communicating with employees regarding Safety Committee activities;
  - c. Developing safety rules, policies, and procedures;
  - d. Keeping job-specific training current;
  - e. Educating employees on safety-related topics;

- f. Motivating employees to create a safety culture in the work place;
- g. Evaluating the safety program on a regular basis;
- h. Recommending safety training and awareness topics;
- i. Reviewing incidents of work place accidents, injuries, and illnesses; and
- j. Inspecting the work place.

The committee shall provide committee meeting minutes and recommendations to the Secretary of State, Executive Management Team, and other supervisors and shall keep them informed of committee functions.

Suggested Safety Committee agenda items include:

- a. Review of pending recommendations and administrative action taken;
- b. Review of accident investigations;
- c. Review of work place inspection reports;
- d. Review of reported hazards;
- e. Review of loss experience reports;
- f. Report from members;
- g. Development and approval of recommendations to forward to the Executive Management Team; and
- h. General discussion and evaluation of the Secretary of State's Office safety program and activities

#### **Reference**

[39-71-1504, MCA](#)

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Safety – Employee Training  
**Policy Number:** 703.2  
**Approved:** By Secretary of State Brad Johnson on November 25, 2005

---

### **Policy**

The Secretary of State's Office (SOS) recognizes the benefits of relevant employee safety training and has therefore established the following training program:

- A. All new employees will be provided with a general safety orientation containing information common to all employees and appropriate to business operations before they begin their regular job duties. This orientation shall be performed by the employee's supervisor. Such orientation shall include, but not be limited to: information on agency safety policies, accident and hazard reporting, emergency procedures, fire safety, first aid, personal protective equipment, and work site hazards.
- B. All employees will be provided with appropriate job or task specific training before they perform that job or task without direct supervision. After initial orientation, safety training will be provided for new employees before they perform that task unsupervised. Training should begin with an overview of operations in general and then become job and task specific. Training may include a job observation by a supervisor to assure proper work procedures are being followed by a new employee. Additional training will be provided by the employee's supervisor when: a new safety operating procedure is established; job assignments change; new substances, processes or equipment are introduced; or when a new hazard is identified. The SOS office will offer continuing, regular, and refresher safety training. This training may be accomplished through periodic safety meetings, attendance at workshops, dissemination of safety information, on-line safety training, or through other means.
- C. The Safety Coordinator will inform employees of safety training opportunities on an ongoing basis. Employees may be directed by their supervisor and/or bureau deputy to participate in safety training or related activities. Employees may also request to their supervisors and/or bureau deputy to participate in safety training or related activities. All employee-initiated training must be approved by the employee's immediate supervisor and/or bureau deputy. Requests for employee training will be

approved or denied based on an assessment of the cost and benefit to the agency. The following safety trainings will be given priority:

- 1) Safety training required by state law and/or regulations.
- 2) Safety training focusing on specific work-place safety concerns and liabilities of the office.
- 3) Training in first-aid and CPR for one (1) person in each location/work-site.

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Early Return to Work Policy  
**Policy Number:** 703.4  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### **Policy**

The Secretary of State's Office believes employees are the most important assets of the agency. We are committed to assisting our injured workers return to work as medically appropriate. We will work with the medical community to help the injured employees regain their livelihood and self-respect.

There are many ways that our agency can implement an Early Return to Work Program that meets the needs of both the agency and the injured worker. Our focus will be to temporarily modify the employee's existing position and/or work schedule, or to create a transitional duty assignment to accommodate the temporary physical restrictions identified by the treating physician. If the injury results in permanent restrictions, we will strive to accommodate in compliance with the Americans with Disabilities Act (ADA).

For this program to be successful, the injured employee must report all on the job injuries to their immediate supervisor on the same day the injury occurs. The treating physician should be advised of our Early Return to Work Program so they may help design a temporary transitional duty assignment enabling return to work to occur as soon as possible.

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Theft Code of Conduct  
**Policy Number:** 704.0  
**Approved:** By Secretary of State Brad Johnson on September 15, 2005

---

### **Policy**

Stealing from the state or from other employees will not be tolerated. Materials may not be removed from state premises without approval. The Secretary of State reserves the right to define "materials" in specific instances but, generally, if it doesn't belong to you, leave it in the office.

Because of the state's desire to prevent and detect theft, an employee may be subject to questioning when theft is suspected, routine searches of the workplace, increased security patrols and electronic surveillance.

Stealing is grounds for immediate termination and may cause the state to bring criminal charges against offenders.

All employees should remember that it is not acceptable to rummage around other employees' work space or in their desks. If an employee needs to locate work related material or borrow something, permission should be obtained prior to beginning a search.

Because the office is generally very open it is more difficult to secure each individual's work area. Employees must take responsibility for their own possessions and use appropriate caution when bringing personal items to the office. Any incidents of missing materials should be promptly reported to supervisory personnel.

## MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL

**Policy:** Gifts  
**Policy Number:** 705.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### Policy

Amendments to the ethics statutes were adopted by the 1995 Legislature. Section [2-2-104](#) of the Montana Code contains a prohibition on a public employee's acceptance of a gift with a value of \$50 or more or an economic benefit tantamount to such a gift, if it would tend to improperly influence the employee in the impartial discharge of public duties or where the employee should know that it is being given to reward the employee for taking a particular action.

### A. Staff

Staff should adhere to the statutory requirements in [MCA 2-2-104](#).

Examples of acceptable gifts are as follows:

- a memento or token such as a pen, photograph, plaque, etc.;
- food and beverages consumed on an occasion when participation in an event relating to the employee's job, or when the employee is representing the office;
- educational material related to the employee's duties;
- a publicly-presented public service award;
- an educational activity that is not extravagant and clearly serves the public good and does not appear to place the recipient under some obligation; and
- a gift given regardless of, or not in connection with, one's position or official duties in this office.

## **B. Secretary of State**

1. Gifts, the value of which are under \$50, need not be recorded. The Secretary of State may keep or distribute them as he wishes.
2. Gifts, the value of which are \$50 or over, (and which do not fall under the list of examples in Section A, above) may only be accepted on behalf of the State of Montana (or, according to the ethics rules, may be accepted, but not used and given to charity -- with possible tax consequences to the individual who chooses the recipient charity).

If accepted on behalf of the State, a gift (or its description) should be brought to the Secretary of State's Office for entry in the record. Entry in the record must include a description of the type of gift, identification of the donor, date of gift, estimated value of gift, and the place of storage.

## MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL

**Policy:** Political Activities  
**Policy Number:** 706.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### Policy

Montana law was amended in 1995 to specifically address political activities performed by state employees. While each individual has a right to participate in the electoral process, it is important to keep election activities separate from official duties. For that reason, any campaign activities performed by staff must be carried out on the employee's own time and must not involve public funds, facilities or equipment.

#### A. General Rule

##### **2-2-121, MCA** *Campaign activities*

No state employee may use public time, facilities, equipment, supplies, personnel, or funds for any campaign activity persuading or affecting a political decision unless the use is: (a) authorized by law; or (b) properly incidental to another activity required or authorized by law, such as the function of an elected public official, the official's staff, or the legislative staff in the normal course of duties.

NOTE: Violations of this rule may be referred to the [Commissioner of Political Practices](#), and may result in a misdemeanor prosecution by the County Attorney or an administrative penalty imposed by the Commissioner (\$50 to \$1000), plus a recommendation of discipline by the employer.

#### B. Other Relevant Sections of the Code (paraphrased):

##### **2-2-103, MCA** *Public Trust*

Holding of public employment is a public trust. A public employee whose conduct departs from his fiduciary duty is liable to the people of the state as a trustee of property.

##### **13-35-214, MCA** *Illegal Influence of Voters*

No one may induce anyone to vote for or against a candidate or ballot issue by promising anything of value, including employment or appointment.

**13-35-218, MCA *Coercion or Undue Influence of Voters***

No one may induce a vote by threatening undue influence.

**13-35-226, MCA *Unlawful Act of Employers & Employees***

(3) Unlawful to exhibit in workplace handbills or placards or solicit support or opposition (may express personal political views).

And see generally [Title 13, Chapter 35, MCA](#).

**49-2-308, MCA *Discrimination by the State***

(1)(c) The state may not refuse employment or discriminate against a person in a term of employment because of that person's political beliefs (except for an elected official's personal policymaking staff).

See also [Title 49, Part 2](#), Duties of Governmental Agencies and Officials (not to discriminate on grounds of political ideas in employment, training, licensing, distribution of governmental funds, public contracts, and all governmental services).

## **MONTANA SECRETARY OF STATE'S OFFICE POLICY MANUAL**

**Policy:** Security Procedures  
**Policy Number:** 707.0  
**Approved:** By Secretary of State Brad Johnson on February 23, 2006

---

### **Policy**

#### **A. Suspicious packages and mail**

Alert the bureau deputy or Chief Deputy immediately.

#### **B. Walk-ins who appear to be a security problem**

Observe the person in order to give a physical description if necessary. Listen to the problem but avoid confrontation. Keep a record of the incident ("alert" notices are in the receptionist desks) and call Security at 3725 and the Chief Deputy at 5372 if located in the SOS Capitol location. Staff located in the Annex or Warehouse should contact their bureau deputy.

If you cannot speak freely, when calling the Chief Deputy or bureau deputy, state "(Person's full name you are calling) would like you to call him/her back as soon as you can." The Chief Deputy (or bureau deputy) should immediately provide assistance to the receptionists in defusing the situation.

If the individual is armed or threatens your safety, press the alarm buzzer provided to the receptionist. Capitol Security must be alerted immediately.

#### **C. Suspicious telephone calls**

If a suspicious call is received, note the phone number displayed on the telephone panel and record any comments for future reference.

If the caller is persistently abusive or threatening, advise the caller you are going to hang up and do it. If the caller continues to call, refer the caller to the Chief Deputy.

#### **D. Bomb threat**

Follow Bomb threat checklist located on the back of last page of the state government phone book.

Keep caller on the phone as long as possible. Listen carefully to information provided. Note the phone number displayed on your telephone panel.

Helena Police Dept.	911 or 442-3231
Lewis & Clark Sheriff	911 or 447-8200
Fire Marshall	444-2050
State Disaster Coordinator	444-6911

**E. State Disaster or Emergency**

The SOS Emergency Coordinator will contact the Chief Deputy and the Secretary of State if there has been a disaster and implement the office emergency plan as appropriate. The SOS Emergency Coordinator shall keep a record of the date, time and type of disaster notification.